

1979 WL 42780 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 26, 1979

*1 Honorable Walker R. Harter
Highways & Public Transportation Commissioner
Post Office Box 248
Fairfax, South Carolina 29827

Dear Mr. Harter:

Mr. Walker Ragin has written on your behalf requesting an opinion as to the proper procedure to follow in the purchase by the Department of Highways and Transportation of real property owned by Allendale County. [Section 4-9-130, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, provides in part that:

Public hearings, upon giving reasonable public notice, shall be held before final council action is taken to:

(6) sell, lease or contract to sell or lease real property owned by the county.

Not less than fifteen days' notice of the time and place of such hearings shall be published in at least one newspaper of general circulation in the county.

The procedure hereinabove, outlined, then, contemplates a public hearing upon fifteen days' notice before a county governing body sells real property. In my opinion, the public hearing can be held at the same time that the first or second reading of the ordinance authorizing the sale is given so long as the notice requirements are met. The sale is to be authorized by ordinance rather than by resolution or motion in view of the language in [Section 4-9-130 of the Code](#) that the procedures and requirements governing ordinances which adopt standard codes or technical regulations 'shall be as prescribed for ordinances listed in (1) through (6) above' [emphasis added].

The procedure for the adoption of ordinances is set forth in [Section 4-9-120, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as follows:

... all ordinances shall be read at three public meetings of council or three separate days with an interval of not less than seven days between the second and third readings.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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